

Date of Hearing: May 20, 2020

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Ash Kalra, Chair

AB 2479 (Gipson) – As Amended March 4, 2020

SUBJECT: Rest periods: petroleum facilities: safety-sensitive positions

SUMMARY: Extends the exemption from rest period requirements for specified safety-sensitive positions at petroleum facilities to January 1, 2026.

EXISTING LAW:

- 1) Prohibits an employer from requiring an employee to work during a mandated meal or rest or recovery period, as specified.
- 2) Requires an employer who fails to provide an employee a mandated meal or rest or recovery period to pay the employee one additional hour of pay at the employee's regular rate of compensation for each workday that the meal or rest or recovery period was not provided, with specified exemptions.
- 3) Exempts, until January 1, 2021, from the rest period requirements, employees who hold a safety-sensitive position at a petroleum facility, as defined, to the extent that the employee is required to carry and monitor a communication device and to respond to emergencies, or is required to remain on employer premises to monitor the premises and respond to emergencies.
- 4) Requires the provision of another rest period in the case of an interrupted rest period, as prescribed, and, if circumstances do not allow for the employee to take a rest period, requires the employer to pay the employee one hour of pay at the employee's regular rate of pay for the missed rest period.

FISCAL EFFECT: Unknown

COMMENTS: According to the author, "In December 2016, the CA Supreme Court ruled that state law requires that employees be completely relieved of work obligations during rest breaks and prohibits 'on-duty' and 'on-call' rest breaks. The ruling has significant impacts on facilities which rely on employees to keep radios with them during breaks to respond to emergencies. Radios have always been the primary means of communications during an emergency.

Given the nature of the processes at petroleum facilities, the chemicals stored on-site, and the critical nature of these facilities' infrastructure, it is essential for an immediate and effective response to any unplanned event.

AB 2479 simply extend[s] the sunset from 2021 to 2026 to continue to exempt specified employees who hold a safety-sensitive position at a petroleum facility from the rest and recovery period requirements implemented by AB 2605 (2018)."

A coalition of industry groups, including the California Chamber of Commerce, write in support of the bill that it “extends the sunset date on an important provision of law that promotes public and employee safety by ensuring that petroleum facilities may require safety-trained employees (operators) to keep radios on during their rest breaks in case of an emergency.”

Prior Legislation

AB 2605 (Gipson) Chapter 584, Statutes of 2018, provides that until January 1, 2021, specified employees who hold a safety-sensitive position at a petroleum facility, as defined, are exempt from rest and recovery period requirements.

AB 263 (Rodriguez) of 2017 sought to codify specific meal and rest period provisions for emergency medical services employees. The bill died in the Senate Rules Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Associated Builders and Contractors - Central California Chapter
California Chamber of Commerce
California Manufacturers & Technology Association
Western States Petroleum Association

Opposition

None on file.

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